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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053945
Party	Defendant Stephen Smith
Correspondence Address	STEPHEN SMITH 4539 CONOWINGO ROAD DARLINGTON, MD 21034 UNITED STATES
Submission	Answer
Filer's Name	Christopher Ditico
Filer's e-mail	cdditico@rajpatent.com, trademarks@rajpatent.com
Signature	/Christopher Ditico/
Date	06/07/2011
Attachments	Answering the Petition to Cancel.pdf (3 pages)(399841 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

Darlington Apple Festival, Petitioner v. Mr. Stephen Smith Respondent	Opposition No. 92053945 Mark: THE DARLINGTON APPLE FESTIVAL Serial No. 85154578
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APPLICANT'S ANSWER TO THE PETITION TO CANCEL

Applicant Mr. Stephen Smith ("Applicant") through its undersigned attorneys submits his Answer to the Petition to cancel filed by Darlington Apple Festival, Inc. ("Petitioner"). The Petitioner failed to adequately number its paragraphs whereby one allegation should've been leveled per paragraph in order for the Applicant to respond to adequately. However, for the convenience of the Board, the Applicant breaks down paragraph 2(a) of the Petition to cancel into its constituent elements wherefore:

Paragraph 2(a) of the Petition to cancel inconsistently alleges that: (a) the Applicant included in his Trademark application a 'specimen' containing three photographs from a website which belongs to the Petitioner, and/or (b) the Applicant submitted screenshots of the website that belongs to the Petitioner and not the Applicant, and/or (c) the Applicant did not have a website in use in commerce and still doesn't. Paragraph 2(a) of the Petition to cancel also alleges that: (d) the Petitioner did not authorize the Applicant to use photographs of their website in his application, and/or (e) the Applicant served on the Petitioner's committee for a period of time and is aware of the Petitioner, and/or (f) as a result, the Applicant absolutely knew that he knowingly submitted a false document.

Answering claim (a), the Applicant denies those allegations.

Answering claim (b), the Applicant denies those allegations.

Answering claim (c), the Applicant denies those allegations.

Answering claim (d), the Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and therefore, the Applicant denies those allegations.

Answering claim (e), the Applicant admits that the Applicant served on the Petitioner's committee for a period of time.

Answering claim (f), the Applicant denies those allegations.

The Applicant hereby also denies any other allegations contained in Paragraph 2(a) of the Petition to cancel that are not covered by the constituent elements as put forth by the Applicant and any other allegations spread all over the paragraph.

Answering paragraph 2(b) of the petition to cancel, the Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and therefore, the Applicant denies those allegations, except, however, the Applicant admits the allegation that a cease and desist notice was sent to the Applicant by the owner of the Harley Davidson Sales Centre.

Answering paragraph 2(c) of the petition to cancel, the Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and therefore, the Applicant denies those allegations.

The Applicant hereby also denies any other allegations contained in the Petition to cancel that were not clearly stated by the Petitioner or allegations that were intermingled within different paragraphs to support any other claims of the Petitioner.

Respectfully Submitted,



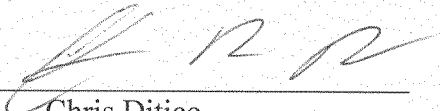
Chris Ditico
Raj Abhyanker
Raj Abhyanker P.C.
1580 W. El Camino Real, Suite 8,
Mountain View, CA 94040
Phone: (650) 965-8731
Fax: (650) 989-2131
Attorneys for Applicant

CERTIFICATE OF MAILING AND SERVICE

I certify that on June 7, 2011, the foregoing **APPLICANT'S ANSWER TO THE PETITION TO CANCEL** is being served by mailing a copy thereof by certified mail addressed to:

JAMES K CALCUTT
DARLINGTON APPLE FESTIVAL INC
1211 MAIN STREET
DARLINGTON, MD 21034
UNITED STATES

By



Chris Ditico
Raj Abhyanker, P.C.
1580 W. El Camino Real, Suite 8
Mountain View, CA 94040
Phone: (650) 965-8731
Fax: (650) 989-2131
Attorneys for Applicant